IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1364 OF 2004

Vinod Vijay Menon & Ors. .. Petitioners

Versus

The State of Maharashtra .. Respondents

Mr.Shirish Gupte, Senior Counsel i/b. Prakash Naik for petitioners.

Mr.K.V.Saste, A.P.P. for State.

Mrs.Madhubala Shetty for respondent No.2.

CORAM : A.M.KHANWILKAR, J.

DATE : SEPTEMBER 15, 2004.

P.C.

1. Heard the learned Counsel for the

parties. On perusing the record and examining the opinion expressed by two courts below, to my mind, no fault can be found with the approach that at this stage of the proceedings, the court has only to see prima facie case and not analyse the evidence as is required at the end of the trial. Applying that principle, the courts below have dismissed the application for discharge preferred by the applicants. No fault can be found with the opinion recorded by the two courts below that prima facie material against the applicants is on record. Hence, not a case for interference in exercise of writ jurisdiction. Dismissed.

2. It is however made clear that the order already passed in favour of applicants, in particular, applicant No.1 exempting his personal appearance by the court below will enure till the disposal of the trial or till such time as the trial court may deem appropriate. In view of

this order, nothing survives in Criminal Application No.3293 of 2004. The same is also disposed of. The trial court shall ensure early disposal of the trial and preferably within six months from receipt of writ of this court. Parties undertake to extend full cooperation to the trial court for early disposal of trial.

3. It is stated that the applicant No.1 is presently in America and he may require some time to report before the trial court, if required. In case the trial court finds that the presence of the applicant is necessary, it may pass appropriate orders consequent to which the applicant shall appear before the trial court on the scheduled date. The trial court shall, however, while granting time, keep in mind the fact that the applicant No.1 is in America and may require some reasonable time to make necessary arrangements to report before the trial court.

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